

File No.: 16051-8US CC/sd

May 4, 2006  
Montréal, Canada

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IN THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

APPLICANTS: Andrew VAILLANT et al.  
ASSIGNEE: REPLICOR INC.  
SERIAL NUMBER: 10/661,415  
TITLE: ANTIVIRAL OLIGONUCLEOTIDES TARGETING RSV  
FILING DATE: September 12, 2003  
ART UNIT: 1648  
EXAMINER: Sharon L., HURT

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR § 1.97 and 1.98**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a PTO/SB/08A/B form is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in  
05/10/2006 WASFAW1 00000057 195113 10661415

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Serial No. 10/661,415

37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE OF EACH DOCUMENT**

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A/B be returned in accordance with MPEP § 609.

The Commissioner is hereby authorized to withdraw the fees in the amount of \$180.00 for the submission of an Information Disclosure Statement from Deposit Account No. 19-5113 as well as any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-5113.

Respectfully submitted,

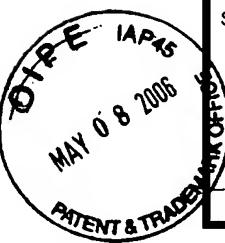
May 4, 2006

  
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Encl. Form PTO/SB/08A/B  
Non-Patent References in pdf format

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Substitute for form 1449PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

13

**Complete if Known**

Application Number	10/661,415
Filing Date	September 12, 2003
First Named Inventor	Andrew Vaillant et al.
Art Unit	1648
Examiner Name	Sharon L. HURT
Attorney Docket Number	16051-8US CC

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number – Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		US-5,563,050			
		US-6,506,559		.	
		US-5,023,252			
		US-5,580,859			
		US-4,806,463			
		US-5,248,670			
		US-5,591,720			
		US-5,952,490			
		US-5,998,602			
		US-6,184,369			
		US-5,264,423			
		US-5,276,019			
		US-6,316,190			
		US-5,218,103			
		US-5,684,148			
		US-5,452,496			
		US-5,278,302			
		US-5,750,666			
		US-5,602,244			
		US-5,508,270			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> – Number <sup>4</sup> – Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T*
		WO 03/02903				
		WO 99/32619				
		WO 01/75164				
		WO 92/03051				
		WO 94/17093				
		WO 94/02499				
		WO 94/26764				
		WO 97/13499				

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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		Number – Kind Code <sup>2</sup> (if known)			
		US-4,469,863			
		US-5,610,289			
		US-5,256,775			
		US-5,366,878			
		US-5,476,925			
		US-5,023,243			
		US-5,130,302			
		US-5,177,198			
		US-5,378,825			
		US-5,386,023			
		US-5,489,677			
		US-5,264,562			
		US-5,264,564			
		US-5,223,618			
		US-5,770,713			
		US-5,543,152			
		US-4,426,330			
		US-4,534,899			
		US-5,705,188			
		US-5,013,556			

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		Country Code 3 – Number 4 – Kind Code 5 (if known)			
		WO 90/04384			
		WO 97/30731			
		EP 0 496 813 B1			
		EP 0 445 131 B1			
		WO 91/05545			
		WO 94/20073			
		WO 96/10391			
		WO 98/39352			

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Sheet	3	of	13	Filing Date	September 12, 2003
				First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
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		US-5,356,633			
		US-5,213,804			
		US-5,225,212			
		US-5,540,935			
		US-5,556,948			
		US-6,316,190			
		US-5,264,221			
		US-5,665,710			
		US-4,806,463			
		US-5,248,670			
		US-5,695,979			
		US-5,591,623			
		US-5,514,788			
		US-5,652,355			
		US-6,143,881			
		US-6,346,614			
		US-5,591,721			
		US-6,608,035			
		US-3,687,808			
		US-5,625,050			

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		WO 99/14226			
		WO 96/40062			
		WO 97/04787			
		WO 04/02419			

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<p>Substitute for form 1449PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<b>Complete if Known</b>	
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				Art Unit	1648
				Examiner Name	Sharon L. HURT
Sheet	4	of	13	Attorney Docket Number	

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Sheet	5	of	13	Attorney Docket Number	
16051-8US CC					

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		ADJOU <i>et al.</i> , "A novel generation of heparan sulfate mimetics for the treatment of prion diseases", 2003, <i>J. Gen. Virol.</i> 84:2595-2603.	
		AGRAWAL, "Importance of nucleotide sequence and chemical modifications of antisense oligonucleotides", 1999, <i>Biochim. Biophys. Acta</i> 1489:53-68.	
		AGRAWAL and KANDIMALLA, "Antisense therapeutics: is it as simple as complementary base recognition?", 2000, <i>Mol. Med. Today</i> 6:72-81.	
		AKHTAR <i>et al.</i> , "The delivery of antisense therapeutics", 2000, <i>Advanced Drug Delivery Reviews</i> 44:3-21.	
		ALLAKHVERDI <i>et al.</i> , "Inhibition of Antigen-induced Eosinophilia and Airway Hyperresponsiveness by Antisense Oligonucleotides Directed against the Common $\beta$ Chain of IL-3, IL-5, GM-CSF Receptors in a Rat Model of Allergic Asthma", 2002, <i>Am. J. Respir. Crit. Care Med.</i> 165:1015-1021.	
		ANDREOLA <i>et al.</i> , "DNA aptamers selected against the HIV-1 RNase H display in vitro antiviral activity", 2001, <i>Biochemistry</i> , 40:10087-10094.	
		BAKER <i>et al.</i> , "2-O-(2-Methoxy)ethyl-modified Anti-intercellular Adhesion Molecule 1 (ICAM-1) Oligonucleotides Selectively Increase the ICAM-1 mRNA Level and Inhibit Formation of the ICAM-1 Translation Initiation Complex in Human Umbilical Vein Endothelial Cells", 1997, <i>J. Biol. Chem.</i> 272 (18):11994-12000.	
		BALL <i>et al.</i> , "Clinical Potential of Respirable Antisense Oligonucleotides (RASONs) in Asthma", 2003, <i>Am. J. Pharmacogenomics</i> 3 (2):97-106.	
		BANKS <i>et al.</i> , "Delivery across the Blood-Brain Barrier of Antisense Directed against Amyloid $\beta$ : Reversal of Learning and Memory Deficits in Mice Overexpressing Amyloid Precursor Protein", 2001, <i>J. Pharmacol. Exp. Ther.</i> 297 (3):1113-1121.	
		BARDOS <i>et al.</i> , "Structure-Activity Relationships and Mode of Action of 5-Mercapto-Substituted Oligo- and Polynucleotides as Antitemplates Inhibiting Replication of Human Immunodeficiency Virus Type 1", 1992, <i>Antimicrob. Agents and Chemother.</i> 36 (1):108-114.	

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Sheet	6	of	13	Filing Date	September 12, 2003
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<b>NON PATENT LITERATURE DOCUMENTS</b>			
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		BARRET et al., "Evaluation of Quinacrine Treatment for Prion Diseases", 2003, <i>J. of Virol.</i> 77 (15):8462-8469.	
		BATE et al., "Squalestatin Cures Prion-infected Neurons and Protects Against Prion Neurotoxicity", 2004, <i>J. of Biol. Chem.</i> 279 (15):14983-14990.	
		BOUSSIF et al., "A versatile Vector for Gene and Oligonucleotide Transfer into Cells in Culture and in vivo: Polyethylenimine", 1995, <i>Proc. Natl. Acad. Sci. USA.</i> 92 (16):7297-7301.	
		BRIGGER et al., "Poly(ethylene glycol)-Coated Hexadecylcyanoacrylate Nanospheres Display a Combined Effect for Brain Tumor Targeting", 2002, <i>J. Pharmacol. Exp. Ther.</i> 303 (3):928-936.	
		CASPER, "Discovery of a Novel Target for Potential Cancer Therapy", Joint Bayer Science Forum – ACS November 24 <sup>th</sup> Dinner Meeting. 2003, The FILTERPAPER, Andy Edelbrock Bayer Corporation, page 3 (abstract).	
		CAUGHEY et al., "Sulfated Polyanion Inhibition of Scrapie-Associated PrP Accumulation in Cultured Cells", 1993, <i>J. Virol.</i> 67 (2):643-650.	
		CHEN et al., "Antisense Oligonucleotides Demonstrate a Dominant Role of c-Ki-RAS Proteins in Regulating the Proliferation of Diploid Human Fibroblasts", 1996, <i>J. Biol. Chem.</i> 271 (45):28259-28265.	
		CHEONG et al., "Structure of influenza virus panhandle RNA studied by NMR spectroscopy and molecular modeling", 1999, <i>Nuc. Acids. Res.</i> 27 (5): 1392-1397.	
		CHIANG et al., "Antisense Oligonucleotides Inhibit Intercellular Adhesion Molecule 1 Expression by Two Distinct Mechanisms", 1991, <i>J. Biol. Chem.</i> 266 (27):18162-18171.	
		CIOFFI et al., "Selective Inhibition of A-Raf and C-Raf mRNA Expression by Antisense Oligodeoxynucleotides in Rat Vascular Smooth Muscle Cells: Role of A-Raf and C-Raf in Serum-Induced Proliferation", 1997, <i>Mol. Pharmacol.</i> 51:383-389.	

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		CROOKE et al., "In Vitro Toxicological Evaluation of ISIS 1082, a Phosphorothioate Oligonucleotide Inhibitor of Herpes Simplex Virus", 1992, <i>Antimicrob. Agents Chemother.</i> 36 (3):527-532.	
		DASS, "Vehicles for oligonucleotide delivery to tumours", 2002, <i>Journal of Pharmacy and Pharmacology</i> 54:3-27.	
		DASS, "Liposome-Mediated Delivery of Oligodeoxynucleotides In Vivo", 2002, <i>Drug Delivery</i> , 9:169-180.	
		DHEUR et al., "Polyethylenimine but Not Cationic Lipid Improves Antisense Activity of 3'-Capped Phosphodiester Oligonucleotides", 1999, <i>Antisense &amp; Nucleic Acid Drug Development</i> , 9:515-525.	
		DOH-URA et al., "Treatment of Transmissible Spongiform Encephalopathy by Intraventricular Drug Infusion in Animal Models", 2004, <i>J. Virol.</i> 78 (10):4999-5006.	
		ELBASHIR et al., "RNA interference is mediated by 21- and 22-nucleotide RNAs", 2001, <i>Genes &amp; Development</i> 15:188-200.	
		ELBASHIR et al., "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells", 2001, <i>Nature</i> 411:494-498.	
		FINOTTO et al., "Local administration of antisense phosphorothioate oligonucleotides to the c-kit ligand, stem cell factor, suppresses airway inflammation and IL-4 production in a murine model of asthma", 2001, <i>J. Allergy Clin. Immunol.</i> 107 (2):279-286.	
		FISSET et al., "Modulation of allergic response in nasal mucosa by antisense oligodeoxynucleotides for IL-4", 2003, <i>J. Allergy Clin. Immunol.</i> 111 (3):580-586.	
		GARRETT et al., "In vivo use of oligonucleotides to inhibit choroidal neovascularisation in the eye", 2001, <i>J. Gene Med.</i> 3:373-383.	

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(use as many sheets as necessary)				Filing Date	September 12, 2003
Sheet	8	of	13	First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
				Examiner Name	Sharon L. HURT
				Attorney Docket Number	
				16051-8US CC	

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		GORLACH et al., "Antisense repression in <i>Cryptococcus neoformans</i> as a laboratory tool and potential antifungal strategy", 2002, <i>Microbiology</i> 148:213-219.	
		GRIGORIEV et al., "Effects of the polyene antibiotic derivative MS-8209 on the astrocyte lysosomal system of scrapie-infected hamsters", 2002, <i>J. Mol. Neurosci.</i> 18:271-281.	
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		HUGHES et al., "The cellular delivery of antisense oligonucleotides and ribozymes", 2001, <i>Drug Discovery Today</i> . 6 (6) :303-315.	
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		KOCISKO et al., "New Inhibitors of Scrapie-Associated Prion Protein Formation in a Library of 2,000 Drugs and Natural Products", 2003, <i>J. Virol.</i> 77 (19) :10288-10294.	

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		KOSTER et al., "Emerging therapeutic agents for transmissible spongiform encephalopathies: a review", 2003, <i>J. Vet Pharmacol. Ther.</i> 26:315-26.
		KURRECK, "Antisense technologies. Improvement through novel chemical modifications", 2003, <i>Eur. J. Biochem.</i> 270:1628-1644.
		KUWASAKI et al., "Inhibition of human immunodeficiency virus 1 replication <i>in vitro</i> by a self-stabilized oligonucleotide with 2'-O-methyl-guanosine-uridine quadruplex motifs", 2003, <i>J. Antimicrob. Chemother.</i> 51:813-819.
		LAU et al., "Abrogation of c-Raf expression induces apoptosis in tumor cells", 1998, <i>Oncogene</i> 16:1899-1902.
		LEUNG and SHAH, in: <i>Controlled Release of drugs: Polymers and aggregate systems</i> , Rosoff, M., Ed., 1989, VCH Publishers, New York, pages 185-215.
		LUO et al., "Inhibition of influenza viral polymerases by minimal viral RNA decoys", 1997, <i>J. Gen. Virol.</i> 78: 2329-2333.
		de MERGNY et al., "Kinetics and thermodynamics of i-DNA formation: phosphodiester versus modified oligodeoxynucleotides", 1998, <i>Nucleic Acids Res.</i> 26 (21): 4797-4803.
		de MONBRISON et al., "Introducing antisense oligonucleotides into <i>Pneumocystis carinii</i> ", 2002, <i>J. Microbiol. Methods</i> 50:211-213.
		MONIA et al., "Evaluation of 2'-Modified Oligonucleotides Containing 2'-Deoxy Gaps as Antisense Inhibitors of Gene Expression", 1993, <i>J. Biol. Chem.</i> 268 (19) :14514-14522.
		MORASSUTTI et al., "Effect of phosphorothioate modifications on the ability of GTn oligodeoxynucleotides to specifically recognize single-stranded DNA-binding proteins and to affect human cancer cellular growth" 1999, <i>Biochimie</i> 81:1115-1122.

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		NAKAJIMA et al., "Results of Quinacrine Administration to Patients with Creutzfeldt-Jakob Disease", 2004, <i>Dement. Geriatr. Cogn. Disord.</i> 17:158-163.	
		NOGUCHI et al., "Remarkable induction of apoptosis in cancer cells by a novel cationic liposome complexed with a bcl-2 antisense oligonucleotide", 2003, <i>Journal of Controlled Release</i> 88:313-320.	
		NOONPAKDEE et al., "Inhibition of <i>Plasmodium falciparum</i> proliferation in vitro by antisense oligodeoxynucleotides against malarial topoisomerase II", 2003, <i>Biochem. and Biophys. Res. Commun.</i> 302:659-664.	
		O'BRIEN et al., "Antisense BCR-ABL Oligomers Cause Non-Specific Inhibition of Chronic Myeloid Leukemia Cell Lines", 1994, <i>Leukemia</i> 8 (12) :2156-2162.	
		OMORI et al., "Targeting of post-ischemic cerebral endothelium in rat by liposomes bearing polyethylene glycol-coupled transferrin", 2003, <i>Neurol. Res.</i> 25:275-279.	
		Orum et al., "Locked nucleic acids: A promising molecular family for gene-function analysis and antisense drug development", 2001, <i>Current Opinion in Molecular Therapeutics</i> 3 (3):239-243.	
		PAN et al., "Isolation of virus-neutralizing RNAs from a large pool of random sequences", 1995, <i>Proc. Natl. Acad. Sci. USA</i> 92:11509-11513.	
		PAPUCCI et al., "Phosphodiester Oligonucleotides Inhibit Mitosis and Trigger Apoptosis by a Non-Antisense, p53-Mediated Mechanism", 2002, <i>Antisense &amp; Nucleic Acid Drug Development</i> 12:21-31.	
		PEREZ et al., "Sequence-independent induction of Sp1 transcription factor activity by phosphorothioate oligodeoxynucleotides", 1994, <i>Proc. Natl. Acad. Sci. USA</i> 91:5957-5961.	
		POLI et al., "In vitro Evaluation of the Anti-prionic Activity of Newly Synthesized Congo Red Derivatives", 2003, <i>Arzneim.-Forsch./Drug Res.</i> 53 (12):875-888.	

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		PRIOLA et al., "Porphyrin and Phthalocyanine Antiscrapie Compounds", 2000, <i>Science</i> 287: 1503-1506.	
		PROSKE et al., "Prion-Protein-Specific Aptamer Reduces PrP <sup>Sc</sup> Formation", 2002, <i>Chemic. Biol. Chem.</i> 3:717-725.	
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		SCHMIDT et al., "Drug targeting by long-circulating liposomal glucocorticosteroids increases therapeutic efficacy in a model of multiple sclerosis", 2003, <i>Brain</i> 126:1895-1904.	
		SHYNG et al., "Sulfated Glycans Stimulate Endocytosis of the Cellular Isoform of the Prion Protein, PrP <sup>C</sup> , in Cultured Cells", 1995, <i>J. Biol. Chem.</i> 270 (50):30221-30229.	
		SIERAKOWSKA et al., "Repair of thalassemic human $\beta$ -globin mRNA in mammalian cells by antisense oligonucleotides", 1996, <i>Proc. Natl. Acad. Sci. USA</i> 93:12840-12844.	

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		SUPATTAPONE et al., "Branched Polyamines Cure Prion-Infected Neuroblastoma Cells", 2001, <i>J. Virol.</i> 75 (7):3453-3461.	
		TCHATALBACHEV et al., "The packaging signal of influenza viral RNA molecules", 2001, <i>RNA</i> 7: 979-989.	
		UHLMANN and PEYMAN, "Antisense Oligonucleotides: A New Therapeutic Principle", 1990, <i>Chemical Reviews</i> 90 (4):544-584.	
		VAN DEVENTER et al., "A randomised, controlled, double blind, escalating dose study of alicaforsen enema in active ulcerative colitis", 2004, <i>Gut</i> . 53:1646-1651.	
		VINOGRADOV et al., "Nanogels for Oligonucleotide Delivery to the Brain", 2004, <i>Bioconjug. Chem.</i> 15:50-60.	
		WANG et al., "Sequence-independent Inhibition of In Vitro Vascular Smooth Muscle Cell Proliferation, Migration, and In Vivo Neointimal Formation by Phosphorothioate Oligodeoxynucleotides", 1996, <i>J. Clin. Invest.</i> 98 (2):443-450.	
		WHITE et al., "Inhibition of the Multiple Antibiotic Resistance (mar) Operon in <i>Escherichia coli</i> by Antisense DNA Analogs", 1997, <i>Antimicrobial Agents and Chemotherapy</i> 41 (12):2699-2704.	
		WHITE et al., "Development of novel methods for delivering therapeutic oligonucleotides to the central nervous system", 2003, <i>Society for Neuroscience</i> , Program #325.5, Abstract.	
		WHITE et al., "Antisense oligonucleotide treatments for psoriasis", 2004, <i>Expert. Opin. Biol. Ther.</i> 4(1):75-81.	

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		YANG et al., "Construction and selection of bead-bound combinatorial oligonucleoside phosphorothioate and phosphorodithioate aptamer libraries designed for rapid PCR-based sequencing", 2002, <i>Nucl. Acids Res.</i> 30 (23):1-8.	
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		ZELLWEGER et al., "Antitumor Activity of Antisense Clusterin Oligonucleotides Is Improved in Vitro and in Vivo by Incorporation of 2'-O-(2-Methoxy)Ethyl Chemistry", 2001, <i>J. Pharmacol. and Experimental Therapeutics</i> 298 (3):934-940.	
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		ZHANG et al., "The Study on Brain Targeting of the Amphotericin B Liposomes", 2003, <i>J. Drug. Target.</i> 11 (2):117-122.	
		ZHANG et al., "Global Non-Viral Gene Transfer to the Primate Brain Following Intravenous Administration", 2003, <i>Mol. Ther.</i> 7 (1):11-18.	
		<i>The Concise Encyclopedia of Polymer Science and Engineering</i> , Jacqueline I. Kroschwitz, 1998, ISBN: 0-471-31856-6, 1341 pages, pp. 858-859.	

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